

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE MAY 4, 2005

SENATE BILL

No. 782

Introduced by Senator Escutia

February 22, 2005

An act to amend Section 315 of, and to add ~~Section~~ *Sections 316.5 and 317* to, the Education Code, relating to English language education, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 782, as amended, Escutia. English language tutoring.

Proposition 227, an initiative statute, approved by the voters at the June 2, 1998, statewide primary election, requires the state to encourage family members and others to provide personal English language tutoring to children coming from backgrounds of limited English proficiency. That existing law appropriates a sum of \$50,000,000 per year for these purposes from the General Fund for the fiscal year in which the initiative was enacted and *for each of the 9* fiscal years following thereafter. ~~The existing statutory initiative allows for amendments to its provisions only by a statute approved by the electorate or by a statute to further the act's purposes passed by a vote of $\frac{2}{3}$ of each house of the Legislature and signed by the Governor.~~

This bill would appropriate ~~a the~~ sum of \$50,000,000 ~~per year for these purposes~~ from the General Fund for ~~five one~~ additional fiscal ~~years~~ *year* beyond those provided for in the initiative.

The bill would require each local educational agency, as a condition for receiving funding under the appropriation for the additional fiscal year, to develop a plan, to be approved by the local governing board, certifying that the agency will do certain things

relating to providing personal English language tutoring to children coming from backgrounds of limited English proficiency.

~~This~~

The bill would require the State Department of Education to evaluate specified performance accountability measures to ascertain the effectiveness of the program services established pursuant to that initiative. ~~This~~ The bill would require each local education agency that receives funding pursuant to the initiative, by September 1, 2008, ~~of and each year September 1, thereafter,~~ to prepare and submit a report to the State ~~Department~~ Board of Education on its achievements in accordance with the specified performance accountability measures. ~~This~~ The bill would require the department to prepare a final report on its findings with regard to the performance accountability measures and submit the report to the Legislature and the Governor by June 30, 2011 2012. ~~This bill would prohibit the department from using more than ½ of 1% of the funds appropriated each year for purposes of the initiative to perform its duties.~~

~~This bill would state that the Legislature finds and declares that this act furthers the purposes of Proposition 227.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 315 of the Education Code is amended
2 to read:
3 315. In furtherance of its constitutional and legal requirement
4 to offer special language assistance to children coming from
5 backgrounds of limited English proficiency, the state shall
6 encourage family members and others to provide personal
7 English language tutoring to children, and support these efforts
8 by raising the general level of English language knowledge in the
9 community. Commencing with the fiscal year in which this
10 initiative is enacted and for each of the ~~fourteen~~ 10 fiscal years
11 following thereafter, the sum of fifty million dollars
12 (\$50,000,000) per year is hereby appropriated from the General
13 Fund for the purpose of providing additional funding for free or
14 subsidized programs of adult English language instruction to
15 parents or other members of the community who pledge to

1 provide personal English language tutoring to California school
2 children with limited English proficiency.

3 *SEC. 2. Section 316.5 is added to the Education Code, to*
4 *read:*

5 *316.5. (a) The Legislature finds and declares all of the*
6 *following:*

7 *(1) The more a parent or guardian is involved in the education*
8 *of his or her child the better the child will perform in school.*

9 *(2) English language proficiency is critical to academic*
10 *success.*

11 *(b) It is the intent of the Legislature to revise the*
12 *Community-Based English Tutoring (CBET) Program in order to*
13 *allow it to serve more effectively its primary purpose of*
14 *providing funding for free or subsidized programs of adult*
15 *English language instruction to parents or individuals in loco*
16 *parenti, who provide and document English language tutoring*
17 *intended to improve the English proficiency of California K-12*
18 *pupils identified as English language learners.*

19 *(c) It is further the intent of the Legislature that the adult*
20 *students participating in the CBET Program make measurable*
21 *English language learning gains, that the CBET Program be*
22 *administered in accordance with research-based strategies for*
23 *teaching English language learners, and that the data developed*
24 *through the CBET Program be used to inform curriculum,*
25 *instruction, assessment, research, and in-service staff*
26 *development.*

27 *(d) For purposes of this section, the term “parent” includes a*
28 *parent, guardian, primary caregiver, or individual in loco*
29 *parenti.*

30 *(e) As a condition for receiving funding under Section 315 for*
31 *the 2007-08 fiscal year, each local educational agency shall*
32 *develop a plan, to be approved by the local governing board,*
33 *certifying that it will do all of the following:*

34 *(1) Structure a program that will emphasize English*
35 *acquisition and tutoring skills for parents whose primary*
36 *language is not English.*

37 *(2) Whenever possible, agencies are encouraged to operate*
38 *CBET programs at neighborhood school sites in order to provide*
39 *full articulation between CBET programs and instructional*
40 *programs for school-aged English language learners.*

1 (3) Describe in its plan how the program will encourage the
2 following:

3 (A) Opportunities for interactive parent-child activities.

4 (B) Opportunities for the parent to become involved at the
5 child's school.

6 (4) Describe how the program will document the following:

7 (A) Literacy training for adults that leads to English fluency
8 and the ability to provide educational support for children.

9 (B) Development of tutoring skills.

10 (C) Utilization of appropriate curriculum.

11 (5) Describe the projected goals of the program with respect
12 to participant educational achievement and how the agency will
13 measure and report progress in meeting its goals.

14 (6) Leverage available funding from federal, state, and local
15 sources in the area proposed to be served by the agency.

16 (7) Include a program to recruit parents of K-12 English
17 language learners, especially parents of pupils enrolled in K-12
18 schools who are in Program Improvement or are considered low
19 performing under the Academic Performance Index.

20 ~~SEC. 2.~~

21 SEC. 3. Section 317 is added to the Education Code, to read:

22 317. (a) The department shall *contract with an independent*
23 *consultant* to evaluate the following performance accountability
24 measures to ascertain the effectiveness of the program services
25 established pursuant to Sections 315 and 316:

26 (1) Improvement in adult *English as a second language*
27 literacy skill levels in reading, writing, and speaking the English
28 language, numeracy, problem solving, and other literacy skills.

29 ~~(2) Articulation of adult pupils into basic education, high~~
30 ~~school, and career and technical education programs.~~

31 ~~(3)~~

32 (2) Improvements in attendance and academic performance of
33 pupils with limited-English-language proficiency who have
34 received tutoring from adults who have been identified as
35 participants in programs established pursuant to Section 315.

36 (b) *To assist the department in evaluating the program, a local*
37 *educational agency that receives funding under Section 315 shall*
38 *provide a pretest and a posttest of reading or life skills*
39 *achievement for English as a second language pupils. The tests*
40 *shall be developed by the department.*

~~(b)~~

(c) Each local educational agency that receives funding pursuant to ~~Section 316~~ *under Section 315* shall do all of the following:

(1) ~~By September 1 of each year, 2008, and each September 1 thereafter,~~ prepare and submit to the department a report on the achievements of the agency in accordance with the performance accountability measures specified in ~~paragraphs (1) to (3), inclusive,~~ of subdivision (a).

(2) Begin collecting data in accordance with the performance accountability measures specified in ~~paragraphs (1) to (3), inclusive,~~ of subdivision (a) at the beginning of the 2007-2008 school year.

~~(e)~~

(d) ~~The department may~~ *state board shall* develop and disseminate a standard form to be used by local educational agencies to collect data in accordance with the performance accountability measures specified in ~~paragraphs (1) to (3), inclusive,~~ of subdivision (a).

~~(d)~~

(e) By June 30, ~~2011~~ *2012*, the department shall prepare a final report on its findings pursuant to subdivision (a) and submit it to the Legislature and the Governor.

~~(e) The department shall use no more than one-half of one percent of the total amount of funds appropriated each year pursuant to Section 315 to perform the duties imposed by this section.~~

(f) *The department shall consult with school districts, adult education administrators, and English learner coordinators in the implementation of this section.*

~~SEC. 3. The Legislature finds and declares that the amendments made to Section 315 of the Education Code by Section 1 of this act further the purpose of Proposition 227, as enacted at the June 2, 1998, statewide primary election.~~

1		_____
2	CORRECTIONS:	
3	Text — Page 5.	
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